

**REMARKS**

Applicants kindly thank Examiner Baran for supplying by facsimile on August 11, 2005 Examiner-initialled copies of PTO-1449 forms submitted by Applicants on March 6, 2002, and October 8, 2002 in the subject application. As per a telephone discussion between Examiner Baran and the undersigned on August 25, 2005, Applicants now request that the Examiner ensures that the PTO's PAIR System is updated to reflect the Examiner's consideration of the references listed on the PTO 1449 forms, in order that the listed references appear on the face of the patent that issues from the instant application.

Applicants also respectfully request that the Office notes the new attorney docket no. (17282-009001) for the subject application and updates their records with the same.

Applicants have considered the Notice of Allowability, and accompanying remarks, mailed June 7, 2005 in connection with the above-identified patent application and respectfully request entry of the instant Amendment and remarks to the file history thereof.

**Amendments to the Claims**

With this Amendment, Applicants amend claims 2, 17, and 78 to correct various informalities.

Claim 2 is amended to replace the term 'measuring', which finds no antecedent basis in claim 1, with 'receiving'. Claim 17 is amended so that it depends from claim 14 in which antecedent basis for 'developing' is found. The spelling of 'predicted' is corrected in claim 78.

Applicants respectfully submit that the amendments herein do not introduce new matter into the subject application and do not effect a material change to the scope of the claims. Accordingly, a reopening of prosecution is not warranted on the basis of these amendments. Furthermore, Applicants respectfully submit that need for the subject amendments was only appreciated upon review of the complete set of allowed claims. Therefore, Applicants respectfully request that the instant amendments be entered into the file history of the subject application.

Applicant : Robert G. Tryon III et al.  
Serial No. : 10/043,712  
Filed : January 8, 2002  
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### CONCLUSION

In view of the above remarks, Applicants respectfully submit that the subject application is in good and proper order to proceed to issue. If, in the opinion of the Examiner, a telephone conference would resolve any outstanding matters not heretofore resolved, the Examiner is encouraged to call the undersigned at (650) 839-5070.

No fee is believed owed in connection with filing of this amendment under Rule 312, other than the issue fee authorized on the accompanying transmittals. Nevertheless, should the Commissioner determine otherwise, he is authorized to charge any underpayment or credit any overpayment to Fish & Richardson P.C. Deposit Account No. 06-1050 (order no. 17282-009001) for the appropriate amount. A copy of this sheet is attached.

Respectfully submitted,

Date: September 7, 2005

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